

Supplemental Declaration Exhibit 1

RONALD M. HEBERT
HEBERT vs VANTAGE TRAVEL SERVICE

February 20, 2019

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Pages 1-124

Exhibits 1-11

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CASE NO. 1:17-CV-10922-DJC

Ronald Hebert and Aime Denault on behalf of
themselves and others similarly situated,
Plaintiffs

vs.

Vantage Travel Service, Inc.
d/b/a Vantage Deluxe World Travel and
Vantage Adventures,
Defendants

Deposition of Ronald Hebert
Wednesday, February 20, 2019
Law Offices of Smith Duggan Buell & Rufo, LLP
55 Old Bedford Road, Suite 300
Lincoln, Massachusetts 01734
-----Kristen C. Krakofsky-----

Court Reporter

Esquire



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PROCEEDINGS

9:56 a.m.

Ronald Hebert

having been satisfactorily identified by means of a Louisiana driver's license, was duly sworn by the notary public, examined, and testified as follows:

EXAMINATION

BY MR. MUELLER:

Q. Good morning.

A. Good morning.

Q. Can you state your name for the record, please.

A. Roland Michael Hebert.

Q. Good morning, Mr. Hebert. My name is Robert Mueller. I'm an attorney representing Vantage Travel in your deposition. I'll be asking you some questions regarding the lawsuit you filed in Massachusetts regarding a river cruise that you went on in July of 2016.

Have you ever had your deposition taken before?

A. No.

Q. Well, I will be asking you some questions concerning your expenses in the case. The court reporter will be taking down my questions and your



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1 Q. She did not give you any contracts or
2 agreements directly?

3 A. No.

4 Q. Did your travel agent tell you to go online
5 and take a look at Vantage's website?

6 A. No.

7 Q. I believe Vantage has -- on its website,
8 there's a client portal where you can go in and see
9 what the status of your reservation is.

10 A. Exactly.

11 Q. Did you take advantage of that?

12 A. I did.

13 Q. What did that show?

14 A. It just showed the -- what cruise we were
15 taking and what dates it was and whether we had
16 filled out the forms, you know, asking for personal
17 information on the clients that they're getting
18 ready to take on the tour.

19 Q. Did that section of the website contain
20 links to download a brochure?

21 A. The website that had the brochure you could
22 download?

23 Q. Well, the website had the brochure you
24 could download.

25 A. Right.

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1 Q. But as you went into your own private area
2 of the website that had your booking information,
3 were there any links that said click here to
4 download the itinerary or the brochure or any
5 language like that?

6 A. I don't recall that, no.

7 MR. MUELLER: Could I have this marked
8 as Exhibit 2.

9 (Exhibit 2, Passenger Ticket Contract,
10 marked for identification.)

11 BY MR. MUELLER:

12 Q. Okay. Mr. Hebert, you have in front of you
13 a document marked Exhibit 2. It's from a
14 declaration which was filed in this case back in
15 June 2017. It's entitled "Passenger Ticket
16 Contract." I'm not going to ask you to read through
17 this word for word. But if you could just take a
18 look at this, my question to you is whether you have
19 seen this document before.

20 A. I have not. This was not on the website.

21 Q. So this was on not on the website. You do
22 not recall downloading anything that looked like
23 this?

24 A. No.

25 Q. And your travel agent did not provide

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1 something that looked like this to you?

2 A. No.

3 Q. Okay. Is it possible that your travel
4 agent had this document and just never gave it to
5 you?

6 A. I couldn't answer that. I would be
7 surprised, though. She is pretty efficient.

8 Q. And I take it that you never received
9 anything that looked like Exhibit No. 2 prior to
10 boarding the River Voyager?

11 A. No.

12 MR. MUELLER: I'm like this marked as
13 Exhibit 3.

14 (Exhibit 3, affidavit, marked for
15 identification.)

16 BY MR. MUELLER:

17 Q. Mr. Hebert, before you, marked as
18 Exhibit 3, is an affidavit you filed in this lawsuit
19 back on July 11, 2017, and it's concerning the
20 passenger ticket contract, which we marked as
21 Exhibit 2 earlier.

22 My question to you on this affidavit is in
23 paragraph 6 you state that Vantage never provided
24 the PTC -- the abbreviation for passenger ticket
25 contract -- to any other passenger prior to

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1 embarkation or at any other time.

2 A. Uh-huh.

3 Q. How do you know that?

4 A. Well, I know that I didn't receive it, and
5 neither of the other three people received it. So I
6 can't speak for the 173 people. I don't know if any
7 of them received it.

8 Q. So you know that you did not receive it?

9 A. Exactly.

10 Q. And your wife did not receive it?

11 A. Exactly.

12 Q. How do you know that the other six members
13 of your group did not receive it?

14 A. Well, we discuss the trip all the time and
15 look at all the documents that we've been provided,
16 and this was not one of them. So, you know, I can
17 attest to eight of us not receiving it. Now, what
18 happened to the other 160-something, I don't know.

19 Q. Okay. For the six that were in your group,
20 after the lawsuit had been filed and after this
21 passenger ticket contract came to light, did you
22 speak to the other six members of your group to ask
23 them whether they received the passenger ticket
24 contract?

25 A. I don't recall ever receiving anything

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1 about this, other than, you know, that I have not
2 reviewed the -- and did not receive -- I didn't
3 receive anything from Al Dore, I can tell you.

4 Q. Granted that you did not receive anything
5 from him prior to the start of the trip, my question
6 to you is after the lawsuit was filed, Vantage filed
7 a motion, your attorney presumably told you about
8 the motion and had you produce this affidavit marked
9 as Exhibit No. 3 in which you state that you never
10 received the passenger ticket contract; correct?

11 A. Exactly.

12 Q. And you stated that you never received it
13 before the trip. You did not receive a copy before
14 boarding the River Voyager.

15 A. Yes.

16 Q. We've been through that.

17 Now, did you -- when your attorney was
18 asking you to prepare this affidavit and sign it,
19 did you speak with the other six members of your
20 group to ask them whether they had received the
21 passenger ticket contract?

22 MR. O'CONNOR: Just before you answer
23 the question, to the extent that answering the
24 question would require to you reveal communications
25 with myself, with Patrick Osborne, or anyone in my



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1 office, I instruct you not to answer. Other than
2 that, you're free to answer.

3 A. What was the question?

4 Q. My question was when you were asked to
5 prepare this affidavit, you stated that you did not
6 receive the passenger ticket contract.

7 Did you get on the phone or talk to any of
8 the other six members of your group -- not your
9 attorneys, just the six members of the group -- and
10 ask them whether they had received this passenger
11 ticket contract?

12 A. I really don't recall specifically that,
13 but we discussed what was happening from a legal
14 standpoint.

15 Now, for this -- I don't recall. But if
16 they would have received anything that I hadn't
17 received, they would have certainly passed it on.

18 Q. But there was never any specific question
19 as to whether or not they had received it?

20 A. No.

21 Q. And as you stated, as for the members of
22 the -- all the other passengers who weren't in your
23 group of eight, you have no idea whether they
24 received anything or not?

25 A. No.

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1 Q. Have you had any specifics conversations
2 with any of these other 160-some passengers about
3 whether they received this contract?

4 MR. O'CONNOR: Again, to the extent
5 you can answer without revealing confidential
6 attorney-client communications, you can answer.

7 A. I did not discuss it with any of the other
8 170-something.

9 Q. Okay.

10 MR. MUELLER: Exhibit 4.

11 (Exhibit 4, Vantage Tour Participation
12 Agreement, marked for identification.)

13 BY MR. MUELLER:

14 Q. Mr. Hebert, before you marked as Exhibit
15 No. 4 is a document captioned "Vantage Tour
16 Participation Agreement." Do you have that in front
17 of you?

18 A. I do.

19 Q. Prior to the departure on the trip, do you
20 recall receiving the document --

21 A. That's part of the brochure. Yes, I
22 received this.

23 Q. And this document is marked PL28 through
24 PL31. I'll represent that this was produced in
25 Plaintiff's production of documents. There is a

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1 number stamped on the bottom right corner there.

2 A. Okay. I don't recall the particular stamp.
3 I recall -- if this is the one that's on the Vantage
4 site, I definitely did -- you know, I got that when
5 I downloaded the brochure.

6 Q. And that was before the departure of the
7 trip?

8 A. It was.

9 Q. Do you recall whether you downloaded the
10 brochure before you made your initial deposit?

11 A. I really don't remember. I would think I
12 did, yes.

13 Q. And you did this -- you downloaded this on
14 your own computer?

15 A. Right.

16 Q. Your travel agent did not send you this
17 document?

18 A. No.

19 Q. Do you recall receiving any emails from
20 Vantage which contained this document?

21 A. No.

22 Q. Do you recall seeing a link to a tour
23 participation agreement in the client section of the
24 website?

25 A. No. I mean, it was part of the brochure.

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1 So, I mean, if you got the brochure, you got this.

2 Q. Did you actually read this document before
3 departure?

4 A. I did.

5 Q. Page 4 of the document, PL31, the left-hand
6 column down at the bottom references a Vantage
7 travel protection plan. Do you see that?

8 A. Uh-huh.

9 Q. Did you purchase a Vantage protection plan
10 for this trip?

11 A. I did not.

12 Q. And your wife did not either?

13 A. No.

14 Q. Did any member of your group of eight
15 purchase it, as far as you know?

16 A. No.

17 Q. So none of your group of eight purchased
18 the Vantage protection plan?

19 A. No.

20 Q. Did you have any discussions with your
21 travel agent over this protection plan or any other
22 travel insurance?

23 A. No. Because, as I said, Beth handled all
24 of our cruises, and I never had taken out travel
25 insurance.



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